George S. Cole, Esq.   **495 Seaport Court, Suite 101**
(650) 556-9510 TEL; (650) 556-9511 FAX   **Redwood City, CA 94063**

Examiner Andre Boyce
Commissioner of Patents and Trademarks
Washington, D. C. 20231   Jul. 12th , 2005

Re: Patent Application for "A Declarative Method for Business Management"
         Application SN 09/476,711
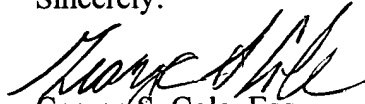   <u>David O. McGoveran, Inventor</u>

Dear Examiner Boyce:

The inventor and I have spent the past several months reviewing each of your Office
Actions, including the last Final Office Action of Jan. 13th, 2005, and engaged in
extensive reworking of the claims in response thereto. We began with a fresh review of
your efforts, presuming that you were attempting to educate and work with, rather than
oppose, us. We hope you find the present Response to be in that same spirit. Taken
jointly, we believe the claims are responsive to the totality of your instructions and
objections and now are in position to issue.

I included both the Specification – which has been amended to include the "Brief
Description of the Drawings" as you requested – and our Response to the most recent
Office Action. I hope it addresses satisfactorily the issues raised therein and in all
previous Office Actions. Although the most recent Office Action was speaking to
different claims, I hope this Response resolves all those issues

Again, if you do not agree that the claims are prepared to issue, I request a telephone
interview at your earliest convenience and <u>before</u> your response. I believe much of the
misunderstandings might have been prevented had we done so earlier.

Sincerely:

George S. Cole, Esq.
PTO #40,563

Rcqf

JFW

In Re Application Of: David O. McGoveran |
Serial No.   09/476,711 |
Filed: Dec. 30, 1999 |
For: A Declarative Method |
_____|

Examiner: Andre Boyce
Group Art Unit: 3623
Atty. Docket No: McG-003
Date: Jul.12,2005

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SIR: Transmitted herewith is a Response to Final Office Action and Request for
Continued Examination for the above application.

_X_   Small entity status for this application under 37 CFR §1.9 and 1.27 has been
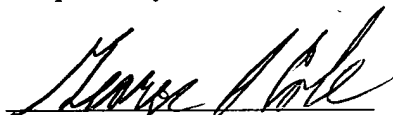established by a verified statement previously submitted.

_X_   Extension of time as necessary is requested and a check for the required fee is
enclosed.

_X_   The Commissioner is herewith authorized to charge payment of any necessary
fees, or credit any overpayment, to Deposit Account 50-0705 associated with this
communication for any related purpose, including: (A DUPLICATE COPY OF THIS
SHEET IS ENCLOSED)

    _X_   Any additional filing fees required for presentation of extra claims

    _X_   Any extension or petition fees.

                    Respectfully Submitted:

                    George S. Cole, Esq.
                    PTO #40,563

George S. Cole, Esq.
495 Seaport Court, Suite 101
Redwood City, CA 94063
Tel: (650) 322-7760
Fax:(650) 322-6117
GSCdLawyer@aol.com

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EXPRESS MAIL CERTIFICATE

"Ezpress Mail" mailing label No: _____EU829286010US___
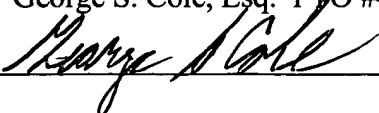
Date of Deposit: _____Oct. 26th, 2004_____

I hereby certify that the following documents:

- Office Action (copy);

- Attorney's Cover letter; *Request For Continued Examination*
- Petition for Extension of Time;

- Check and Authorization to use Deposit Account

  to Pay for Ext'n of Time (2 copies)

- Response To Office Action;

- AMENDED Specification (per Examiner's request);

- Claims Listing (incorporated into the Response to Office Action);

- Itemization of Contents Sent to PTO;

- SASE; and,

- Copy of Express Mail Certificate;

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are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:

Mail Stop AF
Commissioner for Patents
Attn: Examiner Andre Boyce, Art Unit 3623
P.O. Box 1450
Alexandria, VA 22313-1450.

George S. Cole, Esq. PTO #40,563

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,711	12/30/1999	DAVID O. MCGOVERAN		8198

7590   01/13/2005

GEORGE S COLE
495 SEAPORT COURT SUITE 101
REDWOOD CITY, CA 94063

EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 October 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>31-111</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>31-111</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed October 26, 2004. Claims 1-30 have been canceled. Claims 31-111 have been added.

2. The previously pending new matter objection to the specification under 35 USC 132 has been withdrawn.

   The previously pending rejections to claims 16-31 under 35 USC § 112, first paragraph have been withdrawn.

   The previously pending rejections to claims 19, 23, and 26 under 35 USC § 112, second paragraph have been withdrawn.

Specification

3. The disclosure is objected to because of the following informalities: the Brief Description of the Drawings is missing. Appropriate correction is required.

Claim Objections

4. Claims 33 and 39-43 are objected to because of the following informalities: These claims depend from claim 1, a canceled claim. For purposes of examination, the Examiner will assume the claims depend from claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5.   Claims 31-110 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

   The basis of this rejection is set forth in a two-prong test of:

   (1) whether the invention is within the technological arts; and

   (2) whether the invention produces a useful, concrete, and tangible result.

   First, for a claimed invention to be statutory, the claimed invention must be within

the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature,

natural phenomena) that do not apply, involve, use, or advance the technological

arts fail to promote the "progress of science and the useful arts" (i.e., the physical

sciences as opposed to social sciences, for example) and therefore are found to be

non-statutory subject matter. For a process claim to pass muster, the recited

process must somehow apply, involve, use, or advance the technological arts. In

the present case the independent claims 31 and 110 only recite an abstract idea.

The recited steps of declaring and stating an objective, declaring and stating at least

one objective rule set, delegating to at least one specific actor, etc. does not involve,

use, or advance the technological arts (i.e., computer, processor, electronically,

etc.), since the steps could be performed using pencil and paper.

   Additionally, for a claimed invention to be statutory, the claimed invention must

produce a useful, concrete, and tangible result. In the present case, the claimed

invention is a "reasoning paradigm", as described by Applicant, and produces no

concrete result. This reasoning paradigm (i.e., claimed invention) is subjective,

whereby the result is neither assured nor repeatable.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7.   Claims 31-87 and 93-111 are rejected under 35 U.S.C. 102(a) as being

anticipated by Tinnirello (Project Management, July 1999).

As per claim 31, Tinnirello discloses a business method for actively managing a

first dynamic process (e.g., project management, pg 3) comprising: declaring and

stating an objective of said first dynamic process as a set of measurable goals and

constraints (e.g., breaking down project into measurable tasks, pg 4); declaring and

stating, for the purpose of accomplishing at least a part of said objective, at least one

objective rule set having a plurality of rules: wherein the rules in said objective rule

set may act in any order subject to the limitation that, for any specific rule in said

objective rule set, that specific rule's condition and applicable constraints must be

satisfied before that specific rule's action may occur (e.g., determining inter-task

dependencies, pg 4); delegating to at least one specific actor: at least a first

subordinate objective, subordinate to the objective, stating the first subordinate

objective as a subset of subordinate, measurable goals and subordinate constraints',

a set of rules for accomplishing said first subordinate objective; at least one rule

stating both authority and accountability for attaining the subordinate, measurable

goals of said first subordinate objective, and, at least one rule stating the

responsibility and accountability for attaining the subordinate, measurable goals of

said first subordinate objective subject to the constraints and subordinate constraints

(e.g., assigning a resource, such as an employee to the measurable task, along with

the determined inter-task dependencies, pg 5); determining the satisfaction of any

rule's condition and triggering the occurrence of said rule's action (i.e., determining

the type of inter-task dependency, including the predecessor and successor tasks,

pg 4); wherein said rule's condition includes measurable values from at least one

member of a set of sources; and, said set of sources comprise a source internal to

said dynamic process, a source external to said dynamic process, and a source in

the real world (i.e., measurable values include the completion of predecessor tasks

which trigger the successor tasks, pg 4); modifying at least one element through the

action of at least a rule whose condition is triggered by at least one input from an

event in the real world (e.g., refinement of the project plan, including adjustment of

task dependency, pg 6); giving each element, and each of the steps of declaring and

stating, delegating, and modifying, a declarative and therefore non-procedural

representation (e.g., software implementation of project management, pg 6).

As per claim 32, Tinnirello discloses iterating at least one of the steps of

declaring and stating, delegating, determining, and modifying (e.g., revising and

updating project status, pg 7).

As per claim 33, Tinnirello discloses the step of redeclaring and restating at least one action of at least one rule as a second dynamic process (e.g., refinement, including adjusting the delay or overlap of task dependencies, pg 6).

As per claim 34, Tinnirello discloses the dynamic process represents a business's operational flow (i.e., project plan).

As per claim 35, Tinnirello discloses adding at least one new element to the dynamic process in response to at least one input (i.e., adding a task).

As per claim 36, Tinnirello discloses using the measurable goals and measurable values to assess at least one member of a set of assessments, that set of assessments comprising risk of error, minimum contribution of any rule to the goal, maximum contribution of any rule to the goal, risk of deviation from the goal due to the action of any rule, performance of at least one actor, and relative efficiencies among any two actors (i.e., risk management, including identification, analysis, and mitigation, pgs 51-52).

As per claim 37, Tinnirello discloses using the deviation of measured values from measurable goals for at least one member of a set comprising accounting control, regulatory control, and reporting (e.g., calculation of variances, including budget and cost variances, pg 9).

As per claim 38, Tinnirello discloses said dynamic process forms a business autopilot (e.g., project plan management is able to determine overall completion of the project and determine status at any time).

As per claim 39, Tinnirello discloses including a set of constraints consisting of at least one constraint; including a first rule consisting of at least a first rule; including a second rule set consisting of at least a second rule; and, including a set of ordering rules consisting of at least one ordering rule; wherein the relative order by which each rule in the first rule set and at least a second rule in the second rule set are satisfied is determined according to at least one member of a set comprising the set of constraints, implicit rule precedence making the action of each rule in the first rule set satisfy a condition of the second rule, the set of constraints, and the set of ordering rules (e.g., determining inter-task dependencies, including determining predecessor and successor tasks, pg 4).

As per claim 40, Tinnirello discloses declaring and stating at least a first rule set and a second rule set, wherein the second rule set is subordinate to the first rule set, and wherein the second rule set inherits from the first rule set at least one condition of a rule in the first rule set as a constraint on the second rule set and at least one action of a rule in the first rule set as a goal of the second rule set (i.e., sub-tasks or dependent task).

As per claim 41, Tinnirello discloses declaring and stating at least a first rule set and a second rule set, wherein the second rule set is subordinate to the first rule set, and wherein at least one change in constraints by action of at least one rule of the second rule set is passed to the first rule set (i.e., sub-tasks or dependent task, wherein a change in the first task timing affects the subordinate sub-task timing, pg 4).

As per claim 42, Tinnirello discloses said declarative representation is at least one member of a representation set comprising symbolic logic and computer language (e.g., project management software, wherein the tasks and corresponding timelines are represented by mathematical representations).

As per claim 43, Tinnirello discloses wherein for at least one rule: the condition of said rule detects a difference between at least one element of said dynamic process and a measurable value from at least one input, and the action of said rule has an affect on at least that one element of said first dynamic process by modifying that one element to do at least one member of a response set comprising accommodate the measurable value, and adjust performance of said dynamic process as indicated by the measurable value (e.g., calculation and evaluation of variances, including costs, pg 9).

As per claim 44, Tinnirello discloses measuring the deviation of measurable values from measurable goals to analyze the efficiency of a business operation (i.e., calculation of variances, pg 9).

As per claim 45, Tinnirello discloses incorporating a set of resolving constraints comprising at least one member of a resolving set comprising a resolving constraint and a resolving rule; and, incorporating at least one ambiguous rule; wherein said resolving set determines whether the action of said ambiguous rule will be triggered when the evaluation of a condition is a value that is not true and is not false (e.g., task inter-dependency, wherein subsequent tasks are triggered based upon task relationships).

As per claim 46, Tinnirello discloses in the step of delegating, at least one member of what is delegated to one specific actor is a consequence of the rules, constraints, and measurements assigned to an actor (e.g., assigning of resources, including resource leveling, pgs 5-6).

As per claim 47, Tinnirello discloses at least one element maintains consistency among any combination of authority to act, responsibility, response to operational failure, and accountability (e.g., executive level functions, pg 100).

As per claim 48, Tinnirello discloses at least one rule makes explicit why actions are undertaken and what is to be achieved (i.e., objective, including a specific measurable benchmark that the project must achieve towards accomplishing goals, such as tasks pg 394).

As per claim 49, Tinnirello discloses a first rule is replaced by a set of refinement rules that include at least the action of the first rule without the set of refinement rules including the first rule (e.g., related objectives).

As per claim 50, Tinnirello discloses incorporating a first risk of error associated with the first rule; incorporating a second risk of error associated with a second rule belonging to the set of refinement rules; wherein the second rule has the least risk of error of any rule in the set of refinement rules; and wherein the second risk of error is not greater than the first risk of error (i.e., risk analysis, pg 55).

As per claim 51, Tinnirello discloses the step of declaring and stating at least one objective rule set comprises stating at least a first objective rule set and a second objective rule set, wherein the first objective rule set operates at a first level of the

dynamic process and the second objective rule set operates at a second level of the

dynamic process (e.g., division of project into executive level, project level, and team

level functions, pgs 100-105).

As per claim 52, Tinnirello discloses said first and second levels are indistinct

and said first objective rule set and said second objective rule set form a peer to

peer organization (e.g., project management communication structure, pg 101).

As per claim 53, Tinnirello discloses said first and second levels are distinct and

said first objective rule set and said second objective rule set form a hierarchical

organization (e.g., project management communication structure, pg 101).

As per claim 54, Tinnirello discloses declaring and stating at least a first rule set

and a second rule set, wherein the second rule set is subordinate to the first rule set,

and wherein the first rule set further receives, from the second rule set, the result of

an action by a rule of the second rule set as satisfaction of at least one condition of a

rule of the first rule set (e.g., determining inter-task dependencies, including

determining successful completion of predecessor a task, pg 4).

As per claim 55, Tinnirello discloses the first rule set further comprises at least a

superior objective and wherein the action of the second rule set conveys information

to the first rule set sufficient for the first rule set to alter at least the superior objective

when the superior objective does not conform to a measurable value from the real

world (e.g., a task that includes a sub-task).

As per claim 56, Tinnirello discloses including at least a second rule set

comprising a set of rules that are connected such that there is no rule for which both

its condition is not satisfied by some combination of actions and events, and its

action does not eventually in combination with the actions of other rules in the set

satisfy the conditions of at least one rule; including at least a first rule in said second

rule set whose condition has been satisfied at least once; and, further including a set

of pairs comprising an identification of a satisfied rule and a time said satisfied rule

was satisfied, said set of pairs being partially ordered and constituting a first

subordinate process (e.g., sub-tasks that make up the overall task/objective, wherein

the rules of the sub-tasks inherently affect the overall task/objective).

As per claim 57, Tinnirello discloses the second rule set comprises the entire set

of satisfied rules of the first dynamic process and no explicit ordering of the rules in

the second rule set is provided in defining said first dynamic process (e.g., sub-tasks

inherently contain rules of overall task).

As per claim 58, Tinnirello discloses said set of rules includes at least one

anticipatory rule, the satisfaction of the condition portion of said anticipatory rule

being merely a possibility when said rule is initially stated (e.g., sub-tasks inherently

contain rules of overall task).

As per claim 59, Tinnirello does not explicitly disclose said condition of said

anticipatory rule incorporates at least one conjunct which, at the time of creation of

the rule, incorporates a measurable value that is contrary to the known and

projected state of the real world (e.g., objective of task that may be assigned to

incorrect resource or outside scope of resources available).

As per claim 60, Tinnirello discloses storing said representation in a static and stable form so as to preserve human knowledge of said dynamic process (e.g., baseline view of project objectives and tasks, pg 7).

As per claim 61, Tinnirello discloses the steps of organizing in a first business entity said representation of said dynamic process for conveyance to a second business entity, and, conveying said representation from the first business entity to the second business entity (e.g., project plan conveyed to various entities within and outside the organization, as seen in the project communication structure, pg 101).

As per claim 62, Tinnirello discloses said representation of said dynamic process stores knowledge of at least one member of a set comprising organizational management, at least one model of business organization, at least one operational process, and at least one strategic process (e.g., executive level, project level functions, and team level functions pgs 100-105).

As per claim 63, Tinnirello discloses retrieving at least a portion of said representation, and, instantiating said portion of said representation as a second dynamic process in a business (e.g., completion of sub-tasks related to the overall objective or goal).

As per claim 64, Tinnirello discloses the step of delegating to at least one specific actor further comprises: a first actor at a first level stating a plurality of business rules comprising possible conditions, each condition comprising at least one member of a set comprising factual circumstance, market situation, business event, and measurable value, and joined with at least one corresponding desired action

matching a first measurable goa1; a second actor at a second level identifying a

goal-achieving set of business rules whereby said first measurable goal may be

attained and; said second actor communicating at least a first result of the goal-

achieving set of rules to said first actor (i.e., assigning resources to tasks/objectives,

including executive-level, project level, team level, and analyst level, including

communication structure, pgs 5 and 100-105).

As per claim 65, Tinnirello discloses said plurality of business rules are

responsive to a plurality of events, and wherein the actual operation of the plurality

of business rules are combined to form a business process independent of any pre-

existing definition of the business process (e.g., combination of tasks to complete a

specific project objective or goal, pg 394).

As per claim 66, Tinnirello discloses said measurable goal is expressed as at

least one goal rule comprising a goal condition which identifies said measurable goal

and a goal action which specifies any combination of the members of a measure set

consisting of a measure of success, a measurement constraint, and a measure of

failure (e.g., post implementation review, pg 9, including a measurement program,

pg 410).

As per claim 67, Tinnirello discloses the first actor further: identifies the maximum

acceptable risk associated with each rule in a first rule set at the second level;

determines the risk associated with each rule; and, for each rule in rule set with risk

that is not below the maximum acceptable risk associated with said rule, further

refines actions of each such rule by delegating its actions as a goal to a rule set at a third level (i.e., risk management, including risk analysis, pgs 55-56).

As per claim 68, Tinnirello discloses the step of communicating further comprises stating at least one rule having at least one condition responsive to said desired action and having an action that performs said step of communicating (e.g., task/objective dependency).

As per claim 69, Tinnirello discloses said first result is a qualitative measure of at least one member of a set of measurable properties comprising performance and goal completion (e.g., goal/objective/task measurement, pg 410).

As per claim 70, Tinnirello discloses said first actor delegates to at least one subordinate actor any combination of any number of the members of a delegation set consisting of responsibility, accountability, and authority that belong to the first actor (e.g., executive level function, including delegation, pgs 100-101).

As per claim 71, Tinnirello discloses said delegation is established by a delegation rule comprising at least one delegation condition which tests the appropriateness of achieving said desired action and at least one action which identifies at least one actor as recipient of said delegation (e.g., delegation based upon resource availability, pg 100).

As per claim 72, Tinnirello discloses a delegation rule comprising a delegation condition and a delegation action delegates authority by at least one member of a set comprising establishing, modifying, and deleting at least one rule set (e.g., executive level delegation to project level members).

As per claim 73, Tinnirello discloses said second actor delegates authority by at least one member of a set comprising establishing, modifying, and deleting at least one rule set (e.g., project level delegation to team level members).

As per claim 74, Tinnirello discloses said delegation of accountability is accomplished by enabling at least one member of a set, comprising said second actor and said second rule, to alter at least one member of a set comprising measurement of predefined success and measurement process (e.g., project level functions, including project management, pg 103-104).

As per claim 75, Tinnirello discloses identifying a second actor according to a goal stated as a set of requirements rules and a set of requirements constraints, and according to measurements stated as a set of capabilities rules (e.g., assigning tasks/objectives to analysts and doers based on expertise, pg106-107).

As per claim 76, Tinnirello discloses each requirement rule in said set of requirements rules comprises at least one requirements condition identifying at least one member of a set comprising the desired action and at least one capability required to accomplish said desired action and at least one requirements action identifying at least one member of a set comprising at least one capability of said second actor and said desired action (i.e., project manager identification of resource able to complete task/objective).

As per claim 77, Tinnirello discloses each capability rule in said set of capabilities rules consists of at least one member of a set comprising: at least one capabilities condition identifying at least one actor and at least one capabilities action identifying

at least one capability of said actor; and, at least one capabilities condition

identifying at least one capability, and at least one capabilities action identifying at

least one actor having said capability (i.e., determining resource capable of

achieving objective of the task).

As per claim 78, Tinnirello discloses a step of matching said second actor with

said desired goal by at least one criteria for comparing at least one requirements

rule and at least one capabilities rule (i.e., determining resource capable of

achieving objective of the task).

As per claim 79, Tinnirello discloses said criteria establishes at least one member

of a match set comprising a best fit match, a fuzzy match, an approximate match,

and an exact match (i.e., determining resource capable of achieving objective of the

task, including scenario where resources are limited, allowing for less than exact

match).

As per claim 80, Tinnirello discloses the step of modifying at least one element

through the action of at least a rule whose condition is triggered by at least one input

from at least one real world event in the real world, further comprises: defining a first

adaptation process comprising at least one adaptation rule; constructing said

adaptation rule such that; its action is at least one member of a set of actions

comprising element creation, self-modification, feedback, contradiction resolution,

conflict resolution, correction for failure, and decision making; satisfying the condition

of the adaptation rule through an event; and, affecting at least one element through

the action of the adaptation rule (e.g., refinement of the project plan, wherein refinement affects project tasks/objectives and resources used, pg 6).

As per claim 81, Tinnirello discloses said first adaptation process is independent of any external agent (e.g., internal review of project plan).

As per claim 82, Tinnirello discloses monitoring performance by and against specific metrics; wherein the condition of the adaptive rule is satisfied by performance deviations from the specific metrics; and the action of the adaptive rule is representative of at least one member of a set comprising business events, business measures, business decisions, business rules, and business processes (i.e., evaluation of project performance, pg 391).

As per claim 83, Tinnirello discloses an adaptation rule that is stated such that, when its condition is satisfied, its action modifies at least a first rule instantiated at a first level such that the first rule effectively modifies at least a first goal of the first level, without requiring intervention from a higher level (e.g., sub-tasks goals/objectives determined and accomplished at the analyst level, in order to accomplish larger objective/goals of superior tasks).

As per claim 84, Tinnirello discloses continuously monitoring for at least one occurrence of the at least one real world event; and, continuously modifying the elements of the dynamic process, in response to the occurrence of the at least one real world event (e.g., continuous revision of the project plan, whereby tasks/objective can be modified based on changing conditions and/or resources).

As per claim 85, Tinnirello discloses incorporating at least one member of a set of dynamic processes comprising creation, deletion, modification, and correction of both objectives and elements; linking the adaptation process to at least one member of the set of dynamic processes and, modifying the objectives and elements by the adaptation process according to at least one member of a set comprising conditions and constraints (e.g., continuous revision of the project plan, whereby tasks/objective can be modified based on changing conditions and/or resources).

As per claim 86, Tinnirello discloses the step of changing at least one element comprises: detecting a contradiction; changing at least one rule set, further comprising; identifying at least a first and second conflicting rule; and, resolving the contradiction by at least one member of a set comprising adding a new constraint, altering a existing constraint, adding a new rule, altering at least one of the first and second conflicting rules, and eliminating at least one of the first and second conflicting rules; so as to logically differentiate the actions of the first and second conflicting rules (e.g., adding, removing, modifying tasks and/or objectives).

As per claim 87, Tinnirello discloses reducing at least one operational latency in the dynamic process through the action of the adaptation rule (e.g., elimination or combination of a task).

As per claim 93, Tinnirello discloses said adaptation rule is stated such that its condition is satisfied when a first failure occurs and its action corrects for the first failure by modifying at least one element (e.g., task/objective not completed, wherein goal/objective must be modified).

As per claim 94, Tinnirello discloses the first failure comprises not attaining a first

goal and the modification of at least one element enables the first goal to be attained

by correcting at least one member of a set comprising at least one cause of the first

failure and at least one effect of the first failure (e.g., determining the effect of not

completing the task/objective and how it affects the subsequent/successor tasks and

objectives).

As per claim 95, Tinnirello discloses the modification of at least one element

includes at least one member of a set of steps comprising creating, modifying, and

deleting a second adaptation rule (e.g., creation and/or modification of a current or

subsequent task).

As per claim 96, Tinnirello discloses the first failure comprises not detecting a

measurable value and the modification of at least one element comprises at least

one member of a set comprising creating the element, modifying the element, and

deleting the element (e.g., creation and/or modification of a current or subsequent

task).

As per claim 97, Tinnirello discloses a second failure comprises not attaining a

second goal and the modification of at least one element includes the step of

redeclaring and restating at least one action of at least one rule as a second

dynamic process (e.g., modification of a task and/or goal).

As per claim 98, Tinnirello discloses the first failure comprises not attaining a first

goal and said modification enables said first goal to be attained by correcting at least

one member of a failure set comprising at least a first cause of the first failure and at

least a first effect of the first failure (e.g., modification of a task/objective in order to meet the goal).

As per claim 99, Tinnirello discloses when the adaptation rule's condition is satisfied its action modifies at least a first rule of the objective rule set so that, when the first rule's condition is satisfied, the first rule's action modifies at least a first member of the set of measurable goals without human intervention (e.g., project management software updating the progress of task completion and dependency).

As per claim 100, Tinnirello discloses when the adaptation rule's condition is satisfied, its action modifies at least a first rule of a set of rules so that when the first rule's condition is satisfied, the first rule's action modifies, without human intervention and without modification of any rule of the objective rule set, at least a first member of a set comprising subordinate goals and measurable goals (e.g., modification of sub-tasks based on overall task/objective modification).

As per claim 101, Tinnirello discloses the step of declaring and stating at least one objective rule set further comprises: stating at least a first objective rule set and a second objective rule set, wherein the first objective rule set operates at a first level of the dynamic process and the second objective rule set operates at a second level of the dynamic process; and wherein the adaptation rule's condition effectively defines the need for a closed loop effect in said first level and the adaptation rule's action changes at least one element in said second level (e.g., task inter-dependency, which determines completion of objectives).

As per claim 102, Tinnirello discloses the step of changing at least one element comprises changing at least one member of a set comprising goal, rule, rule set, condition, action, constraint, measurable value, and delegation (e.g., modification of a goal based on task-interdependency modification).

As per claim 103, Tinnirello discloses the step of declaring and stating at least one objective rule set comprises stating at least a first objective rule set and a second objective rule set: wherein the first objective rule set operates at a first level of the dynamic process and the second objective rule set operates at a second level of the dynamic process; and wherein a first goal is associated with the first level and a second goal is associated with the second level; and the first goal and the second goal overlap (e.g. task inter-dependency).

As per claim 104, Tinnirello discloses using the overlap to avoid at least one member of a set comprising confrontation problems and race-condition problems (e.g., overlap of tasks).

As per claim 105, Tinnirello discloses the step of declaring and stating at least one objective rule set comprises stating at least a first objective rule set and a second objective rule set, wherein the first objective rule set operates at a first level of the dynamic process and the second objective rule set operates at a second level of the dynamic process, and further comprising an organizing rule comprising: an organizing condition; and an organizing action, whereby the organizing condition is satisfied by the condition of at least one rule in said first objective rule set and the

organizing action comprises at least the second objective rule set (e.g., task inter-dependency, including relationship of successor and predecessor tasks).

As per claim 106, Tinnirello discloses said organizing action delegates at least one member of the set comprising a rule set, authority, accountability, and responsibility, so that said organizing rule creates a delegation hierarchy (e.g., determination of resources, including delegation by executive level members to project level members).

As per claim 107, Tinnirello discloses the step of declaring and stating at least one objective rule set further comprises stating at least a first objective rule set and a second objective rule set, wherein the first objective rule set operates at a first level of the dynamic process and the second objective rule set operates at a second level of the dynamic process, and wherein the response to at least one action of at least one rule in the first rule set becomes at least one condition of at least one rule in the second rule set (e.g., sub-tasks with related task inter-dependencies, that affect the overall task and objective, including the superior inter-dependencies).

As per claim 108, Tinnirello discloses the first level and the second level are identical, and at least one rule in the first rule set receives at least one response of at least one rule in the second rule set as its condition (e.g., tasks may redundant).

As per claim 109, Tinnirello discloses the step of changing at least one objective rule set comprises changing at least one rule (e.g., changing an objective, which in turn changes the tasks and inter-dependencies).

As per claim 110, Tinnirello discloses a business method comprising defining a dynamic process (e.g., project management, pg 3) comprising: specifying a set of at least two ordered rules (i.e., at least two related tasks, including determination of task inter-dependencies), wherein the action of a first rule triggers the condition of a second rule, and all rules in the set form a partially ordered set wherein actions of preceding rules trigger conditions of subsequent rules (i.e., inter-dependency of tasks trigger successor tasks); wherein said dynamic process is the set of possible conditions and actions of said partially ordered set of rules (e.g., task relationships).

Claim 111 is rejected based upon the rejection of claim 1, since it is the apparatus claim corresponding to the method claim.

Claim Rejections - 35 USC § 103

8.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9.   Claims 88-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinnirello (Project Management, July 1999), in view of Davis et al (The Information System Consultant's Handbook, December 1998).

As per claims 88-92, Tinnirello does not explicitly discloses the adaptation rule is stated such that its condition is satisfied when a first contradiction occurs and the adaptation rule's action modifies at least one element, the first contradiction comprises at least a first and second logically-conflicting elements, modification of selected elements, the first contradiction comprises at least a first and second

logically-conflicting element, and the adaptation rule's action alters at least one of

the first and second logically-conflicting elements, wherein the adaptation rule's

action alters at least one of the first and second logically-conflicting elements. Davis

et al disclose reformalization, including reformalizing any key concepts, sub-

problems, and information flow (7.4.2.3, page 51), including contradictions that may

occur based on applicable rules. Both Tinnirello and Davis et al are concerned with

effective project management, wherein Tinnirello teaches management of large

scale IS projects (pg 99), therefore it would have been obvious to one having

ordinary skill in the art at the time the invention was made to include re-formalization

of key concepts, based upon contradiction in Tinnirello, as seen in Davis et al, as

effective means of determining contradictions and modifying rules as a result,

thereby making the project management in Tinnirello more flexible and robust.

Response to Arguments

10.   The Examiner respectfully maintains the 35 USC § 101 rejections with respect to

claims 31-111, and re-submits that the recited steps of declaring and stating an

objective, declaring and stating at least one objective rule set, delegating to at least

one specific actor, etc. does not involve, use, or advance the technological arts (i.e.,

computer, processor, electronically, etc.), since the steps could be performed using

pencil and paper. Additionally, the claimed invention is a "reasoning paradigm", as

described by Applicant, and produces no concrete result. This reasoning paradigm

(i.e., claimed invention) is subjective, whereby the result is neither assured nor repeatable.

The Examiner also submits Tinnirello (in view of Davis et al) as teaching Applicant's invention. Further, both Tinnirello and Davis et al are concerned with effective project management, wherein Tinnirello teaches management of large scale IS projects (pg 99), thus providing motivation for the combination.

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andre Boyce whose telephone number is (703) 305-

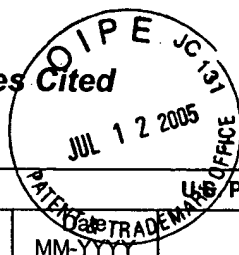1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-

9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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adb
January 10, 2005

SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Applicant apologizes to Examiner in advance for the rather lengthy response, and appreciates and requests Examiner's continued patience. Applicant has used summaries, headings, and formatting (spacing, boldface, italics, and underline) to aid Examiner as much as possible in recognition of Examiner's limited time. At the same time, Applicant has striven to provide a complete response should the Examiner require it and for the record. Please note that some claim steps (e.g., new Claim 112) have been labeled, but that such labeling is intended solely for convenience of reference.

Applicant would like to thank Examiner for the studied rejection of claims 31 through 111, which caused Applicant to more carefully examine and revise the earlier claim language so as to more properly and narrowly define the invention over the prior art. In the process, Applicant discovered and corrected several errors which would otherwise have been overlooked, and which would possibly have permitted circumvention of Applicant's claims by infringers of the invention.

This is in response to the Final Office action mailed Jan. 13, 2005.

1 **A DECLARATIVE METHOD FOR BUSINESS MANAGEMENT**

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4 David O. McGoveran, Boulder Creek, California

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7 U.S. CLASS 434/108, 109; 364/148.01, 148.02,

8

9

10 SEARCH CLASSES: 434/108,109; 364/130, 148.01, 148.02, 148.04-09; 149-158, 160;

11 364/468.01-03; 705/1,30;